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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/815,640	04/02/2004	Paul Lapstun	HYC006US	9567

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EXAMINER

NGUYEN, MADELEINE ANH VINH

ART UNIT	PAPER NUMBER
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2625

DATE MAILED: 04/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/815,640

Applicant(s)

LAPSTUN ET AL.

Examiner

Madeleine AV Nguyen

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 27 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input checked="" type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>10/18/04, 01/27/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Applicant's arguments filed on January 27, 2006 have been fully considered but they are not persuasive for the following reasons:

a. Applicant remarks that in Earl, there is no teaching that the Build and Transmit Score Report subsystem (BTSRS) is identifiable by the received interaction data. The system (10) decodes header data associated with received bitmap image data and identifies the sender of the transmission. This does not however teach that "interaction data" enables identification of the application.

Earl teaches, "This present invention is capable of extracting image objects from an incoming image. These objects are in two forms: (1) pixel-mapped images in mono or polyplanar format(s), e.g., graphics, or (2) textual image comprised of symbols of alphabets. The purpose of this process is to isolate image components, and then compare them with known elements for identification and/or classification." (col. 8, lines 20-28). Earl teaches in Fig.3 a vector representation of the scanned image is prepared (block 40). The process of the vector representation may be a "learn form", a "build key" or a "score mark" process. "In the learn form: process, a blank form is input to the system and its format is learned for later recognition. During the "build key" process, an answer key is learned and the key is associated with a previously learned form..." (col. 3, lines 36-51). Thus the vector representation of the scanned image is the interaction data representing the interaction of the sensing device with the coded data as claimed since it enables identification of the application.

b. Applicant remarks that Earl also fails to teach or suggest at least step (b) of claim 1 in that there is no teaching in the cited document that “information “ is transmitted to the BTSRS wherein the “information “ is based on at least some of the “interaction data”.

In addition to the above discussion, Earl teaches, “A vector representation can comprise vectors of any number of various shapes... a vector representation of an image may include lines, rectangles and conic sections.” (col. 1, line 66 – col. 2, line 2) and “The vector representation can be compared with a previously learned form. In this case, markings in the vector representation can be identified and the marks interpreted.” (col. 12, lines 21-22). Earl further teaches, “The vector representation of the scanned image is compared with known vector representations. Based upon this comparison, the image processing system performs various functions such as providing an output or controlling the system. The image processing system may be used for mark sense recognition in which mark information is decoded from learned forms based upon a key. An output is provided based upon a comparison between the marks and the key.” (Abstract); and claims, “learn form means coupled to the facsimile scanner and the memory for producing a learned form by receiving the image output, learning positional information relating to acceptable mark positions and storing the learned form in the memory” (col. 14, lines 13-17). Thus, Earl teaches “information” (results of the process) based on at least some of the “interaction data” (vector representation).

Therefore, the rejection of claims 1-39 is maintained.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 9-18, 20, 28-30, 31-37 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Earl et al (US Patent No. 5,231,663).

Concerning claims 1, 20, Earl et al discloses a system (Fig. 1) for enabling a user to enter a competition and limiting subsequent communication between an application and the user via a sensing device (14) interacting with a machine-readable coded data printed on a surface (22), the system and method comprising a computer system (10) configured and programmed the steps of receiving interaction data (vector representation) representing the interaction of the sensing device with the coded data (36-40, Fig. 3), the interaction data enabling identification of the application (40-42, Fig. 3); transmitting information based on at least some of the interaction data to the application and enabling transmission of a number of electronic messages from the application to the user (44, Fig. 3), Abstract; col. 2, line 46 – col. 4, line 16; col. 4, line 51 – col. 5, line 24; col. 6, line 17 – col. 7, line 18; col. 8, lines 20-28).

Earl et al does not directly teach the enabling transmission of up to a predetermined number of electronic messages from the application to the user. However, Earl et al teaches a Build and Transmit Score Report subsystem 84, whose activities are placed in activity database 62, takes the score information from scores database 82 and builds score reports which are provided to facsimile 14 through interface 50 (col. 5, lines 3-9). Earl further teaches that the

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Build and Transmit Score Report subsystem 84 is depend on the parameters set forth during header processing in order to create responses and then transmits them. This transmission is either a return facsimile containing results, or is a data transmission occurring over a network or conventional data transmission medium as would potentially be the case with order entry, inventory, routing, command, or even certain permutations of scoring processes (col. 6, lines 60-68). It would have been obvious to one skilled in the art at the time the invention was made to consider the number of transmitted electronic messages in Earl et al is predetermined since the Build and Transmit Score Report subsystem 84 takes score information from scores database 82 to builds score reports which is a predetermined number of messages.

Concerning claims 9-11, 14, Earl et al further teaches that a message is sent by the application to the user in response to an electronic status request or the message is indicative of a status of the competition, (col. 5, lines 4-9; col. 6, lines 60-68), (claims 9-10); assigning an alias ID to the user; and transmitting the alias ID to the application with the information based on the interaction data (col. 5, lines 53-68), (claim 11); the electronic message is indicative of any one or more of a confirmation of receipt of the interaction data and a response based on the interaction data received in the computer system (Fig.3; col. 3, line 47 – col. 4, line 7; col. 5, lines 4-9), (claim 14);

Concerning claims 12-13, 15-18, 31-35, Earl et al does not specifically teach that the printed surface is a product label and the application is under the control of a manufacturer producer or other commercial entity associated with the product label (claim 12-13) and further information regarding of the label (claims 15-18). However, Earl et al teaches, “This present invention is capable of extracting image objects from an incoming image. These objects are in

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two forms: (1) pixel-mapped images in mono or poly-planar format(s), e.g., graphics, or (2) textual image comprised of symbols of alphabets.” (col. 8, lines 20-27). That can include a product of label since it can be in pixel-mapped images, graphics, characters, or symbols. It would have been obvious to one skilled in the art at the time the invention was made to consider that the printed surface taught in Earl can be a product label as a matter of well known in the art (col. 1, lines 30-39), and since Earl further teaches that “The purpose of this process is to isolate image components and then compare them with known elements for identification and/or classification.” (col. 8, lines 25-28) and “potential applications are industrial process, home computer process direction, batch request, etc.” (col. 6, lines 6-7). That can be interpreted that the label can be associated with a manufacturer, producer or other commercial entity, and the label includes human-readable information, and the label is an identifier or a product code.

Concerning claims 28-30, 36-37, Earl further teaches the surface includes human readable information which is sensed during the interaction, the coded data relates to an identity of the surface, and the interaction data is indicative of the identity, (col. 2, line 46 – col. 3, line 51; col. 4, lines 43-50), (claims 28-29), the form includes one or more of: information fields that show information about the surface, button fields that generate one or more actions in the computer system when interacted with by the sensing device; and entry fields for receiving user input through interaction of the sensing device (claim 30); a page server to convert the interaction data to form data and to transmit the form data to the application; a net page registration server to identify the user and to allocate an alias ID, (col. 4, line 17 – col. 5, line 68), (claims 36-37).

Concerning claim 39, Earl et al discloses a surface including coded data and human-readable information (22, Fig. 1) configured for use in the method of claim 1 or the system of claim 20 above.

3. Claims 2-8, 21-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Earl et al as applied to claims 1, 20 above, and further in view of Ernst (US Patent No. 5,572,674).

Concerning claims 2-8, 21-27, Earl further teaches that the predetermined number of electronic message is set by the user through interaction of the sensing device with the printed competition entry form (when the sensing device reads the header in the form).

Earl et al fails to teach a predetermined maximum value of electronic messages read from the sensing device and a contact counter for incrementing a contact count for each electronic message sent from the application to the user, and preventing transmission of further electronic messages once the contact count reaches a predetermined maximum value. Ernst discloses a method which is implemented via a set of network control programs for controlling the communications in a communication controller wherein a number of network control program (NCP) parameters are tuned to optimize network performance. For example, the MAXOUT parameters relates to the fact that a message counter is assigned to every message that goes out. The MAXOUT parameter, set at system generation time for the controller's NCP load module, establishes a maximum count of messages allowed to go out to a terminal attached to the controller before an acknowledgement comes back. Referring to Fig. 1, assume for example that ten messages are queued up to be sent by a controller P2 and the MAXOUT parameter for the controller is seven. After seven messages are sent out, any message sent out after that is

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assumed to have been lost. This gives the NCP positive confirmation of receipt, explicitly or implicitly (col. 39-67). It would have been obvious to one skilled in the art at the time the invention was made to combine the MAXOUT parameter set in the network control program in Ernst to the control program in Earl since Earl also teaches different programs in the computer system 12 for controlling the accurate positive confirmation receipt for accounting purpose and also for billing purpose.

4. Claim 19 is rejected under 35 U.S.C. 103(a) as being unpatentable over Earl as applied to claim 18 above, and further in view of Berson (US Patent No. 5,514,860).

Concerning claim 19, Earl et al fails to teach that the label, which includes machine-readable coded data, is substantially invisible to human. However, it was commonly known in the art that a label can have machine-readable coded data which is invisible to a human. Berson support that well known in the prior art by teaching a document authentication system (Figs.3-4) utilizing a transparent label for encoding data derived from scanning the document and printing encoded data on the transparent label with invisible ink (Figs.1-2; col. 4, lines 17-50). It would have been obvious to one skilled in the art at the time the invention was made to combine the above teaching of Berson for the scanner in 14 in Earl et al to scan to a label including invisible human coded data since the scanner 14 is also a machine-readable coded data while Earl does not limit that the scanner 14 cannot read invisible to human coded data.

5. Claim 38 is rejected under 35 U.S.C. 103(a) as being unpatentable over Earl et al as applied to claim20 above, and further in view of Dougherty et al (US Patent No. 6,076,734).

Concerning claim 38, Earl fails to teach that the system comprises an internet-accessible location for posting the electronic messages wherein the electronic messages are accessible to the user via the location. Dougherty et al discloses method and system for providing human/computer interfaces with a computer system by engaging a sensor with desired regions of an encoded physical medium (Fig.1) wherein when the user engages the sensor with a region having certain encoded information, the certain encoded information is interpreted and an appropriated action taken (Abstract). Dougherty further teaches a data linked book (350) for linking a physical book with data available via an information network such as the Internet. The linked data is then presented on an Internet device such as a personal computer (col. 11, lines 18-25) and that the computer system uses other received information to download the desired data from the Internet, presenting such data to the user in the proper form (col. 11, lines 48-65). It would have been obvious to one skilled in the art at the time the invention was made to combine the above teaching of Dougherty et al to the system in Earl for posting electronic messages to the user via an internet-accessible location since Earl also teaches that the computer system 12 can be connected to a network which can be the Internet (Fig.1).

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after

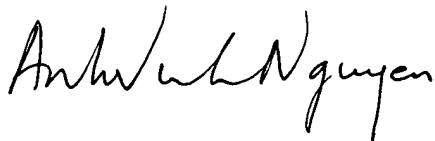
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the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Madeleine AV Nguyen whose telephone number is 571 272-7466. The examiner can normally be reached on Tuesday-Thursday 12:30-6:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward L. Coles can be reached on 571 272-7402. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Madeleine AV Nguyen
Primary Examiner
Art Unit 2625

March 30, 2006